

In re: Jorge A. Arispe

Case No.01-42962-BKC-RAM

Chapter 13

The Court held that a debtor who resides in Florida, but is not domiciled in Florida, is entitled to utilize the federal bankruptcy exemptions. Specifically, as the Debtor in this case was not domiciled in Florida or any state in the 180 days prior to filing the petition, §522(b)(2)(A)'s deference to a state to opt-out is never initiated. As such, the Debtor is not subject to Florida's opt-out statute, Fla.Stat. §222.20, and is entitled to the federal exemptions pursuant to 11 U.S.C. §522(b)(1).